



March 25, 1999

Ms. Barbara G. Heptig  
Assistant City Attorney  
City of Arlington  
101 W. Abram Street  
Arlington, Texas 76004-0231

OR99-0838

Dear Ms. Heptig:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123188.

The City of Arlington (the "city") received a request for information contained in report number 983320463. You have submitted the responsive information for our review. You have raised section 552.101 of the Government Code, in conjunction with section 58.007 of the Family Code as well as section 552.108 of the Government Code, as grounds for withholding all or part of the responsive information. We have considered the exceptions you claim and have reviewed the documents at issue.

Section 552.101 of the Government Code excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 58.007(c) of the Family Code applies to juvenile law enforcement records concerning conduct that occurred on or after September 1, 1997. Section 58.007(c) reads as follows:

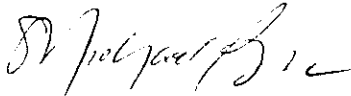
(c) Except as provided by Subsection (d), law enforcement records and files concerning a child may not be disclosed to the public and shall be:

- (1) kept separate from adult files and records; and
- (2) maintained on a local basis only and not sent to a central state or federal depository, except as provided by Subchapter B.

Here, the requested information involves juvenile conduct that occurred after September 1, 1997.<sup>1</sup> As none of the exceptions in section 58.007 appears to apply, the requested information is confidential in its entirety, pursuant to section 58.007(c) of the Family Code. Thus, you must withhold the offense report under section 552.101 of the Government Code.

Because we are able to make a determination under section 552.101, we need not address your section 552.108 claim. We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,



Michael J. Burns  
Assistant Attorney General  
Open Records Division

MJB/ch

Ref:: ID# 123188

Enclosures: Submitted documents

cc: Ms. Robin Grant  
Progressive Insurance  
1831 Brown Boulevard, Suite 104  
Arlington, Texas 76006  
(w/o enclosures)

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<sup>1</sup>We note that the subject report identifies both adult and juvenile offenders. Family Code section 58.007(c)(1) requires law enforcement records and files concerning a child to be "kept separate from adult files and records."